

# **DRAFT**

## **HUMBOLDT COUNTY PESTICIDE USE ENFORCEMENT PROGRAM**

### **Work Plan for 2006/2007**

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## **Humboldt County Enforcement Work Plan 2006/2007**

### **County Resources**

- Senior Inspector will devote a minimum of 50% of time to PUE
- Commissioner assists with PUE program workload as needed
- New employee will be trained to assist with PUE program

### **A. Restricted Materials Permitting**

#### **Permit Evaluation**

- Approximately 50 Restricted Materials Permits issued annually
- The majority of permits are issued for phenoxy herbicides, a very limited number of permits are issued for methyl bromide, chloropicrin, carbamate and organophosphate insecticides.
- Permits are primarily issued by 1 trained staff person and 1 newly assigned inspector. The Commissioner reviews/issues permits as needed
- Permit issuance takes approximately 1 hour
- Department requires in person interviews for new permit requests. Interviews allow inspectors to evaluate potential site specific hazards associated with proposed restricted materials applications
  - Restricted material permit applicants are required to review and sign a permit conditions and notifications page
  - Restricted material permit applicants are required to provide site-specific maps for all application site ID's on the permit. Applicants are required to identify on site-specific maps sensitive sites in the surrounding environment including: homes or occupied structures, wells and bodies of water
- Agricultural Commissioner administers qualified applicator certificate exams
- Department confirms applicant possesses required licensing prior to issuing permit if applicant intends to make applications themselves
- Permits are valid for 1 year, expiring on December 31 of the year in which the permit was issued
- Permit sites are generally identified by a numeric code, which is a combination of the permit number and each site numbered sequentially (ex: 1-1, 1-2, 1-3)
- Pesticide use reporting requirements are reviewed with the applicant at the time of their interview. Applicants are given instructions on properly completing use reports
- Permit renewal letters are mailed in December after reviewing PUE files for compliance with use reporting requirements.
- Notices of Intent (NOI's) are accepted by fax or phone. NOI's received after hours or on weekends are reviewed the next business day. Most NOI's are reviewed by PUE staff as soon as possible after receipt
- Department requires 24 hour NOI's
- Department receives approximately 75 NOI's per year

- NOI's are transcribed into a log, which is maintained in the front office

### Strengths

- Commissioner and responsible staff are committed to PUE program meeting all relevant DPR recommendations
- PUE program management has been reassigned to another inspector
- Department staff and responsible inspector provide important knowledge of areas of potential concern when reviewing permits and or proposed restricted materials application sites
- The majority of restricted materials applications occur in areas where few sensitive sites exist. The relatively low number of applications in these sensitive areas makes it possible to conduct a high percentage of pre-site and compliance monitoring inspections.

### Weaknesses

- New program manager lacks training and experience in PUE
- No other staff persons besides retiring inspector and Commissioner have experience in PUE program
- Department has only 2 inspectors responsible for implementing all of the agricultural programs (including pesticides) in the county
- Lack of comprehensive sensitive site map or GIS map program capabilities for evaluating NOI's

### Areas Needing Improvement

- Department has identified with DPR the need to conduct inspections on restricted materials applications that pose the greatest risk to the public or environment. The program will target applications where a risk to the public or surrounding environment exists due to restricted materials applications
- Department's program needs to increase level of inspections to more accurately appraise level of compliance
- Department needs to train additional staff members to enforce pesticide regulations
- County program needs to develop resources that will increase overall program effectiveness. Integration of GIS technologies into restricted materials permit program will increase the effectiveness and accuracy of NOI review as well as provide the public with more accurate information about the specific locations of pesticide applications

### Plan for Improvement

- In the past the department's inspection strategy has focused on types of applications that either posed a low risk to the public or environment or resulted in few non-compliances. Staff has identified with DPR's EBL a targeting strategy that identifies types of applications that pose a greater risk to the public and environment. The

County's program will focus its efforts on these types of applications. Included in this redirected inspection approach are golf courses, cemeteries and structural applications

- The county's program will conduct pre-site inspections of 7.5% of NOI's submitted. The program will also conduct pre-site inspections of all proposed applications of Methyl Bromide or other field fumigants
- The county with the assistance of DPR's EBL will begin training additional staff to conduct PUE inspections
- Department will develop a map database to begin the process of implementing GIS into our restricted materials permit program and specifically the development of sensitive site map layers. Department already possesses ARC GIS mapping software, but lacks staff with the training to implement its usage. A recently hired staff biologist has some past experience working with GIS software. His experience will be utilized developing a rudimentary GIS program. The Farm Service Agency and the County Planning Department have offered to share with the Agriculture Department its map resources

#### Measuring Success

- Program will be successful if it refocuses inspection activities on application types that pose a greater risk to the public or environment including golf courses, cemeteries, and Methyl Bromide and other field fumigants
- Program will be successful if it increases number of pre-site inspections to 7.5 % of NOI's submitted
- Program will be successful if it can begin training additional inspectors to enforce pesticide regulations
- Program will be successful if it can begin developing the map database necessary to support a GIS program

#### **B. Compliance Monitoring**

##### Strengths

- County's program will benefit by assignment of PUE program to a new manager
- Department's plan to change the focus of its inspection activities will give a better overall picture of the level of compliance with pesticide regulations by all types of applicators. Compliance monitoring activities will focus on golf courses, cemeteries and structural applications
- Department will utilize EBL for training and consultation on the most important strategies employed in an effective compliance monitoring program. EBL support will be essential for correcting deficiencies identified in the draft 2005/2006 Performance Evaluation Report
- Violations identified by compliance monitoring inspections requiring follow-up will be conducted in a timely manner

##### Weaknesses

- Newly assigned program manager lacks significant field experience in the pesticide program
- Department lacks additional personnel trained to perform PUE inspection activities
- County lacks any education or outreach programs for industry

#### Areas Needing Improvement

- Responsible county inspector needs training and experience
- County program needs to change its inspection strategy to inspect types of pesticide applications that pose a greater risk to the public and environment. The result of redirected inspections activities will be a more accurate picture of the level of compliance with pesticide regulations
- County program needs to conduct follow-up inspections in a more-timely manner
- County program needs to create a tracking system for inspections and follow-ups of non-compliances
- County needs to create an education or outreach program for industry that will communicate policy changes affecting industry

#### Plan for Improvement

- The department in agreement with DPR's EBL will focus its compliance monitoring inspections on golf courses, cemeteries and structural applications. Program inspection activities in the past have repeatedly emphasized the same type of applications (forestry) resulting in few non-compliances.
- Department will review with EBL correcting all program elements identified as being deficient in the 2005/2006 Performance Evaluation Report and issues review paper, including proper completion of inspection reports and correct forms for use in application inspections
- County program will create an inspection report binder as a tool to track inspection results and non-compliance follow-ups

#### Measuring Success

- The plan for improving the compliance-monitoring program will be judged to successful if inspection of golf courses, cemeteries and structural applications are increased. Increased inspections of these application types will likely result in non-compliances
- County's program will be successful when it corrects the inspection report and record keeping deficiencies identified by DPR

### **C. Enforcement Response**

#### Strengths

- Enforcement Response Policy implementation will improve with the assignment of program responsibilities to a different manager

- Commissioner is committed to the County PUE program following DPR guidelines for implementing the Enforcement Response Policy
- The county's redirected inspection targeting strategy will likely provide opportunities to locally implement the Enforcement Response Policy

#### Weaknesses

- Newly assigned program manager lacks significant experience in the pesticide program

#### Areas Needing improvement

- County program needs to fully implement Enforcement Response Policy requirements when evaluating non-compliances. The programs redirected compliance monitoring strategy will provide a more accurate picture of compliance with pesticide regulations upon which Enforcement Response is based
- Outstanding decision reports need to be reviewed and reconsidered using the guidelines of the Enforcement Response Policy

#### Plan for Improvement

- County program will fully implement Enforcement Response Policy requirements when evaluating non-compliances
- Outstanding decision reports will be reviewed and reconsidered using Enforcement Response policy guidelines and re-submitted to DPR
- Commissioner is committed to the PUE program following all Enforcement Response Policy guidelines when reviewing non-compliances

#### Measures Success and Failure

- County program will be successful if after implementing Enforcement Response Policy guidelines and after repeated compliance monitoring inspections it is found that the level of compliance with pesticide regulations has increased

#### **D. Summary**

The effectiveness of Humboldt County's Pesticide Enforcement program has suffered as a result of a lack of continuity of leadership and commitment regarding the implementation of DPR's newly developed enforcement guidelines. Recent changes in departmental personnel including the Commissioner and Pesticide Use Enforcement program manager are anticipated to result in measurable improvement regarding permit issuance, compliance monitoring and enforcement response.